

# PATENT COOPERATION TREATY

From the:  
INTERNATIONAL SEARCHING AUTHORITY

## PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

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Date of mailing  
(day/month/year) 8 OCT 2004

Applicant's or agent's file reference  
24707PCT

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
**PCT/AU2004/001264**

International filing date (day/month/year)  
17 September 2004

Priority date (day/month/year)  
19 September 2003

International Patent Classification (IPC) or both national classification and IPC  
**Int. Cl. <sup>7</sup> E04F 11/18, E04H 17/16, E01D 19/10, B63B 17/04**

Applicant

**HARKK PTY LTD et al**

**1. This opinion contains indications relating to the following items:**

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

**3. For further details, see notes to Form PCT/ISA/220.**

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International application No.

PCT/AU2004/001264

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material  
☐ a sequence listing  
☐ table(s) related to the sequence listing
  - b. format of material  
☐ in written format  
☐ in computer readable form
  - c. time of filing/furnishing  
☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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International application No

PCT/AU2004/001264

**Box No. V      Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims 1-6, 8-11	YES
	Claims 7	NO
Inventive step (IS)	Claims 5, 6 and 8-11	YES
	Claims 1-4 and 7	NO
Industrial applicability (IA)	Claims 1-11	YES
	Claims	NO

**2. Citations and explanations:**

The documents cited in the International Search Report have been considered for the purpose of this opinion.

**Claims 1-6**

The claimed invention is not disclosed in any of the patent documents cited and hence all the claims are novel.

The invention defined in claims 1-4 does not involve an inventive step when compared with EP 833018. The only difference between the invention defined by claims 1, 2 and 4 and the citation resides in the provision of an elongate recessed channel on an underside of each rail portion, the panel being supported within the recessed channel. I consider that this difference constitutes no more than a mere workshop improvement. It is an arrangement that any competent worker in the art would be expected to make directly and without difficulty and by routine steps alone. Similarly for claim 3.

Claims 5 and 6 are considered to be novel as none of the documents cited discloses the feature added by claim 5. The claimed invention is not obvious in the light of any of the cited documents nor is it disclosed in any obvious combination of them. It is also considered that it would not be obvious to a person skilled in the art in the light of common general knowledge either by itself or in combination with any of these documents.

**Claims 7-11**

EP 833018 which is considered to be the most relevant prior art document discloses all the features of the invention defined in claim 7. Therefore the subject matter of these claims is not new and does not meet the requirements of Article 33(2) PCT with regard to novelty.

The prior art published before the priority date does not disclose the feature added by claim 8. Therefore the subject matter of claim 8-11 is new and is not obvious and meets the requirements of Article 33(2) PCT with regard to novelty and the requirements of Article 33(3) PCT with regard to inventive step.